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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/335,032	06/16/1999	VICTOR E. VELCULESCU	01107.78572	5999
7590 07/12/2004				
BANNER AND WITCOFF LTD				
1001 G STREET NW				
WASHINGTON, DC 200014597				
		EXAMINER		
		MARTINELL, JAMES		
		ART UNIT		
		PAPER NUMBER		
		1631		

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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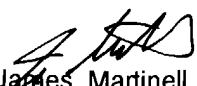
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DATE MAILED:

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Commissioner for Patents

  
James Martinell  
Primary Examiner  
Art Unit: 1631

7/9/04

The reply filed on May 3, 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The reply filed on May 3, 2003 is not fully responsive to the prior Office Action because: the actual elected invention was SEQ ID NO: 71 and not SEQ ID NO: 12,223. Applicants indicate that they had intended to elect SEQ ID NO: 12,223 (response filed May 3, 2004, page 3), but that an inadvertent error resulted in the election of SEQ ID NO: 71. It is noted that the inadvertent error occurs no fewer than 14 times in the claims and text of the response filed October 1, 2003. The application is examined in accordance with the actual elected invention and not the intended elected invention. Thus, the amendment filed January 27, 2004 did in fact result in the cancellation of all claims drawn to the elected invention (*i.e.*, SEQ ID NO: 71) and replaced them with claims drawn to a non-elected invention (SEQ ID NO: 12,223). In order to avoid abandonment of the application, applicants must include in the application at least one claim drawn to the originally elected invention. See 37 CFR § 1.111. Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a). See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Martinell whose telephone number is (571) 272-0719. The fax phone number for Examiner Martinell's desktop workstation is (571) 273-0719. The examiner works a flexible schedule and can be reached by phone and voice mail. Alternatively, a request for a return telephone call may be e-mailed to [james.martinell@uspto.gov](mailto:james.martinell@uspto.gov). Since e-mail communications may not be secure, it is suggested that information in such requests be limited to name, phone number, and the best time to return the call.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, can be reached on (571) 272-0722.

Art Unit: 1631


**PLEASE NOTE THE NEW FAX NUMBER**

The fax phone number for the organization where this application or proceeding is assigned is  
(703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

  
**James Martinell, Ph.D.**  
**Primary Examiner**  
**Art Unit 1631**  
7/9/04